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| 10/041,789 | 01/08/2002 | Hans-Walter Bielefeld | BIELEFELD | 4601 |

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HENRY M FEIEREISEN, LLC
350 FIFTH AVENUE
SUITE 4714
NEW YORK, NY 10118

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| EXAMINER |
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HORTON, YVONNE MICHELE

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| ART UNIT | PAPER NUMBER |
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3635

DATE MAILED: 01/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/041,789

Applicant(s)

Hans-walter Bielefeld et al.

Examiner

YVONNE M. HORTON

Art Unit

3635



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 20, 2003
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 5, 6, 8-14, and 18-24 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 6, 8-14, and 18-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jan 8, 2002 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show and clearly identify every feature of the invention specified in the claims. Therefore, the “punchings” of claim 1, the “roughening, knurling, and punchings” of claim 6, the “punchings” of claim 12, the “receiving pocket” of claim 22, and the “punchings” of claim 24 must be shown and identified or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There is no support in the specification for the “projections” or “cutouts” of claim 23.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,2,5,6,8-14 and 18-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites that the stiffening elements include “punchings”; however, claim 6 also recites that the “means for effecting a positive fit” include “punchings”. It is not clear if the “punchings” of claim 1 are the same or different “punchings” of claim 6. If the “punchings” of claim 6 are the same “punchings” of claim 1, the “punchings” of claim 6 needs to be prefaced with “the” or “said”. Correction is required.

Also, in claim 1, the recitation of “without interconnection” is vague in that it has not been made clear what “without interconnection” is in regards to (i.e. the stiffening elements to one another, or the stiffening elements to the frame section). Clarification is required.

Claims 5 and 6 are indefinite in that it is not clear in regards to what the positive fit is effected. Clarification is required.

Regarding claim 19, the phrase "can be" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 5, 6, 8,9,12-14, and 18-24 stand rejected, as understood, under 35 U.S.C. 102(b) as being anticipated by Nimmrichter (EP 0 828 052). Nimmrichter discloses a plastic longitudinal hollow frame section 1 (page 9, line 34-35) having an interior subdivided in several inner chambers 20,22 by a

plurality of partition walls 17 extending in a direction of the longitudinal axis, and a plurality of rectangular-shaped metal stiffening elements 23,25,52 (page 17, line 2-4) received in the interior, separate from one another, without interconnection to each other, secured directly to the frame section 1. The stiffening elements 23,25,52 further include punchings 34,69 configured such that the cross-section of the stiffening elements 23,25,52 is the same in any application of the frame section 1 in a direction transverse to the longitudinal axis of the frame section 1. The elements 23 that are referred to as stiffening elements in this Office Action, for reinforcement of the frame section, are considered so because on page 11 (lines 13-14) of the translation it states "if the stability of the blocking foil 25 is appropriate, it can also contribute to the static properties of the hollow section member 1", meaning that the element 23 does in fact act as a "stiffening" element.

Regarding claim 2, the stiffening elements 23,25,52 further are strip shaped.

In reference to claim 5, the stiffening elements 23,25,52 have opposite longitudinal sides 29,30 wherein one member selected from the group consisting of longitudinal sides 29,30 and an area between the longitudinal sides (A), see the marked attachment, includes means 33,34,44,69,R, see the marked attachment, for effecting a positive fit of the stiffening elements 23,25,52 within the interior of the frame section 1.

Regarding claim 6, the means for effecting a positive fit are punchings 34,69.

In reference to claim 8, the stiffening elements 23,25,52 have a high radiation reflection surface 35 (page 10 of translation, lines 25-27).

Regarding claim 9, the stiffening elements 23,25,52 may be provided with a reflecting layer 40 (page 11, 25 of the translation) a “lacquer” surface (page 12 of the translation, line 30), or a layer 71 (page 18, line 22 of the translation).

Regarding claim 12, the punchings R open outwardly and are offset one longitudinal side 29,30 by a between area A, see the marked attachment, such that the punchings R on opposing sides 29,30 are in a same area.

In reference to claims 13 and 14, the frame section 1 has exterior walls 2-6 that form visible surfaces 9,10; wherein the exterior walls are formed on one side of the frame section 1 by members 7,12,17 and portions of 11 and on the other side of the frame section 1 by members 8,17 and portions of 11 such that at least two of the stiffening elements 23,25,52 which oppose one another at opposite ends thereof are embedded in and secured to the inner surfaces 18,19 of the exterior walls 2-6.

Regarding claims 18 and 19, the strip-shaped stiffening elements 23,25,52 have lateral boundary planes (colored red in the marked attachment) that do not intersect any visible surfaces 9,10 of the frame section 1; wherein the stiffening elements 23,25,52 have sufficient distance (colored green in the marked attachment) to the visible surfaces 9,10 of the frame section 1 such that the end zone of the stiffening elements 52 “can *inherently* be” worked on with a tool without damage to the frame section 1 because the stiffening

element 52 are inserted within the frame section after extrusion and cooling (page 14, lines 16-19 of the translation.

In reference to claims 20 and 21, some of the stiffening elements 23,47,48,52 extend vertically and some of the stiffening elements 18,41,54 extend horizontally at a distance to the vertical stiffening elements 23,47,48,52 such that the horizontal stiffening elements 18,41,54 are provided in an area of a portion 20,22 of the frame section 1.

Regarding claim 22, the frame section 1 also includes a receiving pocket 15 that receives an attachment profile, not labeled (page 9 of the translation, lines 5-7).

In reference to claim 23, opposite longitudinal side edges 29,30 of the stiffening elements 23 are formed with alternating projections 33,44 and cutouts R wherein a projection 33,44 on one side edge 29,30 is opposed by a cut out cutout R on the other side 29,30.

Regarding claim 24, the stiffening element has longitudinal sides 29,30 and punchings 34 formed in an area between the longitudinal sides 29,30, see Figures 2 and 3.

5. Claim 10 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nimmrichter (EP 0 828 052). Nimmrichter discloses a plastic longitudinal hollow frame section 1 (page 9, line 34-35) having an interior subdivided in several inner chambers 20,22 by a plurality of partition walls 17 extending in a direction of the longitudinal axis,

and a plurality of rectangular-shaped metal stiffening elements 23,25,52 (page 17, line 2-4) received in the interior, separate from one another, without interconnection to each other, secured directly to the frame section 1. The stiffening elements 23,25,52 further include punchings 34,69 configured such that the cross-section of the stiffening elements 23,25,52 is the same in any application of the frame section 1 in a direction transverse to the longitudinal axis of the frame section 1. The elements 23 that are referred to as stiffening elements in this Office Action, for reinforcement of the frame section, are considered so because on page 11 (lines 13-14) of the translation it states "if the stability of the blocking foil 25 is appropriate, it can also contribute to the static properties of the hollow section member 1", meaning that the element 23 does in fact act as a "stiffening" element. The stiffening elements 23,25,52 may be made from aluminum (page 17 of the translation, line 4) and are anodized (*metal coated with a protective oxide*) - metal vaporized (page 12, line 29 of the translation). In the event that metal vaporization is not considered anodizing, it would have been obvious to one having ordinary skill in the art at the time the invention was made to anodize a metallic element, since metallic elements are often subject to deterioration, anodizing would provide a protective coating or film on the element. Anodizing the metal stiffening elements allows the stiffening element to last for longer periods of time while also providing the frame section with added rigidity with a stiffener that resists corrosion due to exposure.

Response to Arguments

6. Applicant's arguments filed have been fully considered but they are not persuasive.

In response to the applicant's argument regarding the hollow section of Figure 3 not being provided with "projections" that allow the cross-section of the stiffening element to be the same everywhere when disposed transversely to the longitudinal axis of the frame section because the "projections" are located on opposing sides of the stiffening element, first, the claim requires that the "punchings" not "projections" have a cross-section that is the same everywhere when disposed transversely.

Secondly, the claim does not require that the "punchings" be located on opposing sides of the stiffening element.

Third, Nimmrichter discloses several different variations of "punchings". When specifically considering the punchings 34, clearly the "punchings" 34 are configured such that the cross-section of the stiffening element is the same upon application of any section in a direction transverse to the longitudinal axis of the frame section. Simply, if the stiffening member were split transversely across the longitudinal length, the cross section throughout would remain the same.

Conclusi n

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached Monday through Thursday from 6:30 a.m. until 3:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (703) 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

YMH

Primary Examiner

January 9, 2004